

REMARKS

In the ***non-final*** Office Action of March 24, 2010 the Office noted that claims 21-29 were pending and rejected claims 21-29. In this amendment claim 21 has been amended, claim 22 has been canceled, and, thus, in view of the foregoing claims 21 and 23-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

INTERVIEW

The undersigned wishes to thank the Examiner for granting an Interview and discussing the proposed amendment.

REJECTIONS under 35 U.S.C. § 103

Claims 21, 22 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies, U.S. Patent Publication No. 2002/0082878 in view of Nakano, U.S. Patent Publication 2002/0184082 in view of Walker, U.S. Patent No. 6,112,185. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

Claim 21 has been amended to further recite "upon each new reservation or cancellation of seat, reassignment of seats to all the customers by allocation, with the allocation server, to each customer, by decreasing order of level of priority, of the available seat having the maximum satisfaction value." Support

for the amendment may be found, for example, in claim 22 and in ¶¶ 0013-0019 and 0078-0083 of the printed publication version of the Specification as well as claims 1 and 2 as filed in the original PCT from which this Application claims priority. The Applicants submit that no new matter is believed to have been added by the amendment of claim 21.

On page 4 of the Office Action, it is asserted that Boise ¶ 0028 teaches the features of claim 22 as amended into claim 21.

With respect to Boise ¶ 0028 there is no mention that all passengers are re-assigned. The cited paragraph merely states "passenger's request can be accommodated based on earlier passenger requests" or "the passenger is assigned to a "flexible" seat assignment which can be reassigned to accommodate additional requests." Neither of these passages can be interpreted as an explicit teaching that all passengers are re-assigned.

Further, Boise ¶ 0028 should be interpreted in light of Boise ¶ 0045. Boise ¶ 0045 gives a concrete example of the assignment working in Boies. The passenger B is assigned to a seat by reassigning passenger C. This does not involve a global reassignment determination for all the passenger since Boies states that only passenger C is considered for the reassignment step. Boies is no more than what a waiter would typically do in a restaurant for accommodating new customers expressing special placement wishes: he will see whether some already seating

clients could be moved but he will never make a global determination for all the customers.

Further, given the cited prior art, Applicants believe that the Office interprets claim 22 as a later allocation step without any particular characteristics so encompassing any kind of allocation such as partial reassessments. In contrast the subject of original claim 21 as now recited is repeated upon each new reservation or cancellation. This includes the step of assignment of seats to all the customers. This shows that, according to the claims, all the passengers are involved in all later allocation process, upon new reservations or cancellations.

In paragraph 5 of the final rejection dated November 27, 2009, the Office stated that the reassignment of all the seats was not in claim 21 so that he interpreted the claims in their broadest scope. Applicants submit that amendments lead to a more restricted interpretation of the claims about the reassessments feature.

It is also to be noted that the reassignment of seats to all the customers in association with the "decreasing order of level of priority" feature is very different and advantageous over Boies since it provides with an accurate and global assessment of the right seat allocation. In Boies, only some of the seats are reassigned upon a new entry of a passenger.

Rendering obvious the claims in view of Boies would have notably required one of ordinary skill in the art to:

- have the idea of a global allocation process at each new reservation or cancellation; Boies does not suggest global allocation process at each new reservation and in contrast suggests that only minimal seat reassessments are made upon new reservations. This would clearly one of ordinary skill in the art from making a global reassignment.
- use priority levels; Boies does not need priority levels for the reassignment step, such that Boies does not lead one of ordinary skill in that art to search out Walker.
- use satisfaction values being particular numerical amounts; one interest of such values is that, when (global) reassessments are made, the compliance of each seat in with the placement criteria of each passenger is assessed in a refined manner. Boies teaches a simplistic system where some (and not all) passengers are involved in the reassignment upon each new reservation. In addition, Boies does not further assess the satisfaction for a seat of the involved passengers: it simply try to find a seat having the same compliance with the passenger criteria as the previous seat allocated to this passenger. This does not allow trying to find a better seat because this is not global and accurate. The numerical satisfaction values of the claims is, in the claims, a feature which is deeply

linked to the global reassignment and the use of priority levels to obtain an optimized placement of the passengers. Without suggesting a global allocation system, Boies would not have been easily combined with references showing numerical satisfaction values like Nakano.

As such, the features of the claims are so deeply linked that their association cannot be derived from a mosaic of references each disclosing minimally some of such features in a different application from the instant application.

We note that none of the references suggests a global reassignment in which all passengers are involved. We also note that Walker is about upgrade offers and is like Boies no global reassignment system. Concerning Nakano, it relates to QFD which stands for quality function development and which is not related to seat assignment in the travel industry.

The Applicants have further amended claim 21 to recite "determination by a processor of a satisfaction value of the customers for each seat as a function of agreement with the placement criteria, the satisfaction value being a particular numerical amount resulting from a specific mathematical operation, ***the satisfaction value being a percentage of satisfaction, a maximum satisfaction being 100 percent.***" (Emphasis added) support for the amendment may be found, for example, in ¶¶ 0054-0083 of the printed publication version of the Specification. The Applicants submit that no new matter is

believed to have been added by the amendment of claim 21.

The prior art of record fails to disclose a satisfaction value as a percentage of satisfaction with the maximum being 100 percent.

For at least the reasons discussed above, Boies, Nakano and Walker, taken separately or in combination, fail to render obvious the features of claims 21 and the claims dependent therefrom.

Claims 23 stands rejected under 35 U.S.C. § 103(a) as being obvious over Boies in view of Nakano in view of Walker in view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an amendment.

We note that the Office Action cites Martinez. We assume that the Office simply missed the replacement of Martinez with Nakano.

The Applicants submit that Official Notice adds nothing to the combination of Boies, Nakano and Walker as applied against the independent claims. Therefore, for at least the reasons discussed above, Boies, Nakano, Walker and Official Notice, taken separately or in combination, fail to render obvious claim 23.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that

claims 21 and 23-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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